

**From:** Chris Bednara  
**To:** Microsoft ATR  
**Date:** 1/23/02 3:12pm  
**Subject:** The settlement does not go far enough and lacks the teeth to enforce what little it does.

The current DOJ settlement in the Microsoft Antitrust suite is lacking in both form and function. Microsoft clearly enjoys a monopoly in the Desktop Computer market. The evidence presented in the case clearly showed that Microsoft has repeatedly leveraged their OS dominance to both protect that position and expand their company into other non-PC/OS fields.

The settlement needs to make it IMPOSSIBLE for Microsoft to give ANY incentive or penalty to an PC manufacturer/vendor for putting a Microsoft OS on their PC's or not installing and Microsoft OS. Due to Microsoft's great power it can wield, this ban must be absolute!

The settlement must also keep Microsoft from leveraging it's OS dominance to help it's own OS interests and other software interest. This means that they need to be banned from using any API's that aren't public knowledge, banned from requiring any licensing agreement that restricts where software may be ported to, or what other software can be used on the same system with said licensed products, and banned from giving incentives to companies for agreeing to not use or publish non Microsoft products.

Even in the settlements flawed form, the method of upholding the settlement is wishful thinking at best. Hard concrete punishments need to be stipulated for each infraction by Microsoft. Penalties such as LARGE financial penalties and even a real threat of company division, must be put in place. These need to be administered by Jury of some sort that is picked out of candidates that are picked from the industry. There needs to be a procedure that is set up that makes it easy for a company to file a complaint that will be ruled on if it believes that Microsoft is abusing it's market monopoly.

Thank you,  
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